

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAGDISH C. LAUL,

Plaintiff,

v.

CV 16-1386 SCY/WPL

LOS ALAMOS NATIONAL
SECURITY, LLC,

Defendant.

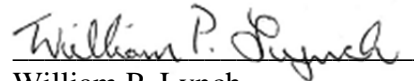
ORDER TO CURE DEFECTS

On December 21, 2016, Defendant Los Alamos National Security, LLC (“LANS”), filed a Notice of Removal asserting that this Court has original jurisdiction over the case pursuant to 28 U.S.C. § 1331 “in that the cause arises out of a breach of contract action in which federal common law has been decided as the choice of law between the parties.” (Doc. 1.) A review of the Complaint shows that Plaintiff Jagdish Laul brought claims for breach of contract and for violations of the New Mexico Human Rights Act. (Doc. 1 Ex. 2.) Further, Laul asserts that he is a resident of New Mexico and that LANS is a New Mexico corporation. (*Id.*) LANS does not dispute these facts in its Notice of Removal.

The federal statute providing for the removal of cases from state to federal court was intended to restrict rather than enlarge removal rights. *Greenshields v. Warren Petro. Corp.*, 248 F.2d 61, 65 (10th Cir. 1957). Federal courts, therefore, are to strictly construe the removal statutes and resolve all doubts against removal. *Fajen v. Found. Reserve Ins. Co.*, 683 F.2d 331, 333 (10th Cir. 1982). The removing party bears the burden of establishing the requirements for federal jurisdiction. *Martin v. Franklin Capital Corp.*, 251 F.3d 1284, 1290 (10th Cir. 2001).

Having considered the Notice of Removal, the record, and the applicable law, and being otherwise fully advised in the matter, I conclude that the Notice fails to establish the subject matter jurisdiction of this Court. Specifically, the Notice fails to allege how the civil action arises “under the Constitution, laws, or treaties of the United States,” or to cite any authority suggesting that the parties can stipulate to federal jurisdiction merely by contracting for federal common law to govern disputes. 28 U.S.C. § 1331. LANS will file an amended notice of removal no later than **December 28, 2016**, if the necessary jurisdictional facts can be alleged in compliance with Rule 11 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any pro se party as they are shown on the Court's docket.